

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR451
)	
vs.)	ORDER
)	
JUSTIN R. SUCHANEK,)	
)	
Defendant.)	

NOW ON THIS 24th day of August, 2010, this matter comes on before the Court upon the joint motion of the Government and the Defendant for the return of some of the property currently in the possession of the Government. The Court has reviewed the record in this case and, being duly advised, finds as follows:

1. Count II of the superseding indictment filed in this case contained a forfeiture allegation and listed several items that were sought to be forfeited. Item (i) in the forfeiture allegation of the superseding indictment described a blue custom quad with no VIN seized from the residence at 1120 East Hall Street, Grand Island, Nebraska on December 15, 2009 (hereafter referred to as “item (i)”). Item (i) can further be described as having a Toruque Line motor. Item (j) of the forfeiture allegation in the superseding indictment described a blue and white custom quad with no VIN seized from the residence at 1120 East Hall Street, Grand Island, Nebraska on December 15, 2009 (hereafter referred to as “item (j)”). Item “j” can further be described as having “Tricklets stenciled onto the handle bars and having a “Athena” written on the motor.

2. Item (i) and item (j) were seized by the Government from the Defendant, and are currently in the Government’s possession.

3. Brian Kruse is the owner of item (i), and that Nate Jacobsen is the owner of item (j).

The Defendant does not own or have any interest in either item (i) or item (j).

4. The Government moved to have item (i) and item (j) dismissed from the superseding indictment. The Preliminary Order of Forfeiture, Filing #42, and the Judgment in this case, Filing #51, both listed what property the defendant shall forfeit. Both the Preliminary Order of Forfeiture and the Judgment did not include item (i) or item (j).

5. Item (i) and item (j) should be returned to their owners.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the joint motion of the parties for the return of item (i) and item (j) is hereby sustained. The Government shall return item (i) to Brian Kruse and item (j) to Nate Jacobsen.

ORDERED this 24th day of August, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
THE HONORABLE JOSEPH F. BATAILLON
CHIEF JUDGE
UNITED STATES DISTRICT COURT